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January 11, 2023

**VIA ECF**

Hon. Analisa Torres  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

**Re: S.D. et al v. Emblemhealth Plan, Inc. et al.  
22-cv-00760 (AT-RWL)**

Your Honor:

Please accept our gratitude for your decision to submit this matter to Magistrate Judge Robert W. Lehrburger for a Settlement Conference held on December 13, 2022.<sup>1</sup> As you know the parties reached a settlement that day.

I have circulated a summary of the settlement terms to my adversaries, but they have not responded as yet. I do not state this as criticism because I have given up the practice of casting stones at others, and also due to my realization that I am dealing with bureaucracies (i.e.: insurance companies). There are also probably a few minor tweaks needed to conform our settlement with the insurance policies themselves, actual industry practices, and/or the unique facts and circumstances of our case.

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<sup>1</sup> Perhaps other district judges might have simply ruled on the jurisdictional motions and left the Plaintiffs to their state remedies under 28 U.S.C. 1367. We are very grateful for your decision.

We are reaching the thirty (30) day deadline to submit our formal settlement to the court as set forth in your Order dated December 13, 2022 (ECF 61). Rather than wait for that deadline to expire, I deem it wise and hereby **request/move for an extension of thirty (30) days** for us to complete our task. If we are not in a position to submit our settlement by that new deadline, I will file a formal motion to set the terms of our settlement, and ask the court to retain jurisdiction to enforce it. Such a motion is not a likely outcome because my adversaries are experienced and skilled practitioners who no doubt recognize that there are sometimes painful consequences for defendants that force Plaintiffs into such a position.

Sincerely Yours,



**WILLIAM PERNICIARO**

WPP:km

cc: S.D.

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GRANTED. The parties may file a settlement agreement on the docket by **February 13, 2023**.

SO ORDERED.

Dated: January 12, 2023  
New York, New York



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**ANALISA TORRES**  
United States District Judge